



April 10, 2014

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Agricultural Land Commission
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ALC File: #53574

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution #128/2014 as it relates to the above noted application. As agent it is your responsibility to notify the landowner(s). Also attached for your information is a sketch plan depicting the decision.

Please send two (2) copies of the final survey plan to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

The Commission draws your attention to Section 33(1) of the *Agricultural Land Commission Act* which provides an applicant with the opportunity to submit a request for reconsideration based on specific criteria.

33(1) On the written request of a person affected or on the commission's own initiative, the commission may reconsider a decision of the commission under this Act and may confirm, reverse or vary it if the commission determines that:

- (a) evidence not available at the time of the original decision has become available,
- (b) all or part of the original decision was based on evidence that was in error or was false.

A revised proposal does not constitute new evidence and as such is not a basis for reconsideration. The time limit for submitting a request for reconsideration is one (1) year from the date of this letter.

Further correspondence with respect to this application is to be directed to Gordon Bednard.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Colin J. Fry, Chief Tribunal Officer

Enclosure: Minutes of Resolution #128/2014

cc: Northern Rockies Regional Municipality (File ZAP-1303)

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MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on March 28, 2014 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53574.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Gordon Gillette	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner
Jerry Thibeault	Commissioner
Lucille Dempsey	Commissioner

COMMISSION STAFF PRESENT:

Gordon Bednard	Planner
Jennifer Carson	Planner
Lindsay McCoubrey	Planner
Colin Fry	Chief Tribunal Officer

PROPOSAL (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

To subdivide the 20 ha subject property into four lots of roughly equal size (~5 ha each).

PROPERTY INFORMATION:

Owner: Frank and Gail Parker

Agent: Tom Bentham

Legal: PID: 014-769-662
DL 948, Peace River District

Location: Fort Nelson

Size: 20 ha

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATION

Section 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

- 6 The following are the purposes of the commission:
 - (a) to preserve agricultural land;

- (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
 - (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.
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COMMISSION CONSIDERATION

The Commission reviewed a previous application involving the subject property:

Application #35437 (Parker, 2004)	Proposal: To exclude the 20 ha subject property from the ALR. Decision: Refused based on agricultural capability, Resolution #274/2004 Reconsidered for small lot subdivision and refused. Resolution #371/2005.
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After considering the file information the Commission concluded as follows:

1. The Commission assessed the agricultural capability of the subject property.

Conclusion:

In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the Canada Land Inventory (CLI), 'Soil Capability Classification for Agriculture' system,.

The improved agricultural capability ratings identified on Canadian Land Inventory (CLI) map are 6:3X 4:4DF with the exception of the uncultivable ravine area which divides the property in half.

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations

The limiting subclasses associated with this parcel are X (a combination of soil factors with no one factor dominating) and undesirable soil structure (D) and low fertility (F).

The ravine area, comprising 20% of the property, has no agricultural potential.

The Commission confirmed that the majority of the subject property has agricultural capability.

2. The Commission assessed the agricultural impacts of the proposed four lot subdivision.

Conclusion:

The Commission did not believe that a four lot subdivision would result in the land's agricultural use. Its experience is that ~5 ha parcels of are not used for agriculture in this region. The land's subdivision and the construction of a homesite on each lot also

represents a reduction in agricultural potential as cultivable land would be occupied by a homesite, septic pond and access.

However, the Commission acknowledges that the deep ravine severing the property is an impediment to using the property as a single agricultural unit. In view of this, it is prepared to allow the subdivision of the property into two lots as divided by the ravine (12 ha and 8 ha approximately).

IT WAS

MOVED BY: Commissioner Miles
SECONDED BY: Commissioner Dyson

THAT the application to subdivide the 20 ha subject property into four (4) lots be refused.

However, the Commission allowed the subdivision of the 20 ha property into two (2) lots as divided by the ravine.

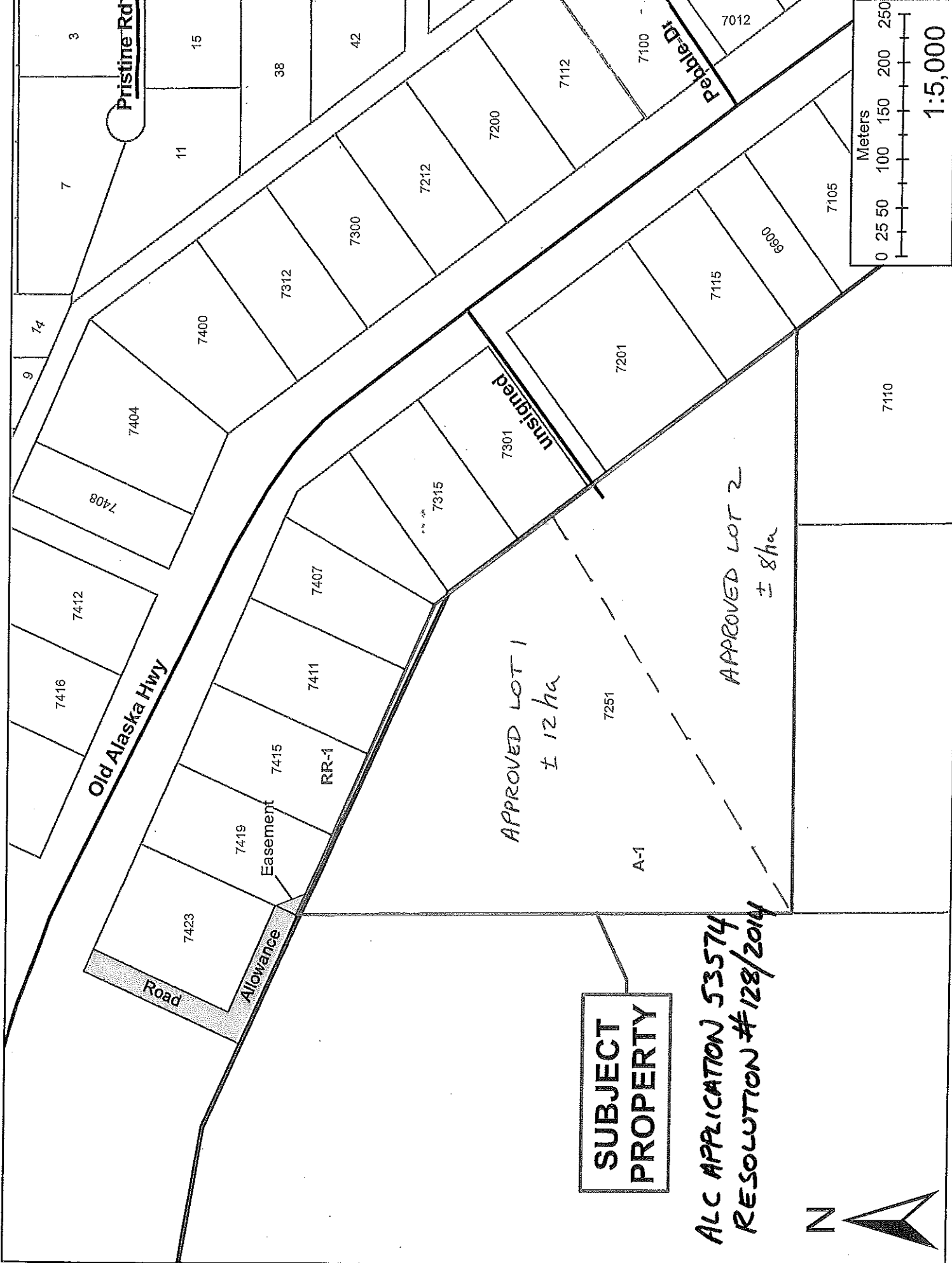
AND THAT the approval is subject to:

1. The subdivision plan must be completed within three (3) years from the date of this decision;

AND FINALLY THAT this decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

Resolution #128/2014



Pristine Rd

Reble Rd

Old Alaska Hwy

Road

Allowance

Easement

Unsubdiv

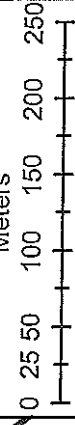
**SUBJECT
PROPERTY**

APPROVED LOT 1
± 12 ha

APPROVED LOT 2
± 8 ha

ALC APPLICATION 53574
RESOLUTION # 128/2014

Meters



1:5,000

